

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**CIVIL MINUTE ENTRY**

<b>BEFORE:</b>	Lee G. Dunst U.S. MAGISTRATE JUDGE <div>Deputy: Chelsea Tirado</div>
<b>DATE:</b>	<b>October 12, 2022</b>
<b>TIME:</b>	<b>2:00PM</b>
<b>FORMAT:</b>	<input checked="" type="checkbox"/> In Person <input type="checkbox"/> Video Conference <input type="checkbox"/> Telephone Conference
<b>DOCKET NUMBER(S):</b>	<b>20-CV-5443 (WFK)(LGD)</b>
<b>NAME OF CASE(S):</b>	SAG Harbor Advisors Inc. et al. v. Smart City Capital LLC
<b>FOR PLAINTIFF(S):</b>	Damon Andrew Hagan (counsel), James Sanford (party)
<b>FOR DEFENDANT(S):</b>	Evan Berger (counsel via telephone), Oscar Bode (party representative)
<b>NEXT CONFERENCE(S):</b>	December 19, 2022 at 12:00PM via Zoom
<b>FTR/COURT REPORTER:</b>	2:04-2:24

**RULINGS FROM STATUS CONFERENCE:**

Case called.

For the reasons stated on the record, Defense Counsel's motion at DE 25 to withdraw as counsel to Defendant is GRANTED. The Clerk of the Court is respectfully directed to terminate all Defense Counsel of record.

As discussed on the record, Defendant may proceed only when represented by counsel--and failure to obtain new counsel in this matter may subject it to a default judgment. *See Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007); *Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1310 (2d Cir. 1991). Accordingly, Defendant is directed to obtain new counsel who must file a notice of appearance by **November 14, 2022**.

The parties are directed to file a joint status report by **November 30, 2022** that (1) provides a joint proposed discovery schedule and (2) states whether the parties are interested in a further settlement conference before the undersigned given that the related litigation in the Southern District of Florida (*SMARTCITYCAPITAL, LLC v. Bhardwaj, et al.*, No. 22-cv-60846 (CMA)) is closed.

Plaintiff's Counsel is directed to serve a copy of this Order upon Oscar Bode at the address provided in DE 27 and file proof of service by **October 14, 2022**.

**SO ORDERED**

/s/ Lee G. Dunst  
LEE G. DUNST  
United States Magistrate Judge